

**GOVERNMENT OF ANDHRA PRADESH  
REVENUE(Asn.V)DEPARTMENT**

**A B S T R A C T**

Anantapur District – Revision Petition filed by Sri.K.Mutyalappa. S/o. Pedda Durgappa against the resumption orders of the Joint Collector, Anantapur passed in proceedings No. E3/1433/2006., dt;30.08.2006 in respect of the land to an extent of Acs.5.00 Cts., in Sy.No.24-1 of Kakkalapalli (V) Anantapur, Mandal & District - U/s 4-B of A.P. Assigned Land Prohibition of Transfers Act, 1977- Dismissed – Orders – Issued.

---

REVENUE (Asn.V) DEPARTMENT

G.O.Ms.No. 152

Dated.07.03.2012

Read the following:

1. R.P. filed by Sri K.Mutyalappa S/o. Pedda Durgappa, dt.13.9.06.
2. Govt . Memo No.43090/Asn.VII /06-1, dt:26.9.06 .
3. Govt. Memo No.43090/Asn.V(2)/06, dt:20.2.08, 28.4.2009
4. Orders from the High Court dt:3.8.10 in W.P.No.20823/06 filed by Sri K.Mutyalappa S/o. Pedda Durgappa.
5. From the Collector, Anantapur District, Rc.No. E4/10089/2010, dt: 3.11.2010.
6. Govt. Memo No. 43090/AsnV(2)/2006, dated:12.11.2010, 23.11.2010 , 21.4.2011, 13.09.2011, and 10.11.2011.

& & &

**ORDER:**

In the reference first read above, Sri.K.Mutyalappa. S/o. Pedda Durgappa R/o. Anantapur Mandal and District has filed a Revision Petition before Government against the resumption orders of the Joint Collector, Anantapur passed in proceedings No. E3/1433/2006., dt;30.08.2006 in respect of the land to an extent of Acs.5.00 Cts., in Sy.No.24-1 of Kakkalapalli (V) Anantapur, Mandal & District., U/s 4-B of A.P. Assigned Land Prohibition of Transfers Act, 1977., on the following grounds...

1. The order passed by the Jt.Collector is against law, weight of evidence and probabilities of the case.
  2. The Jt. Collector has passed the orders without looking into the material available on record and without taking the facts and circumstances into consideration.
  3. The Jt. Collector failed to look into the concerned revenue records disclosing the fact of cultivation of the assigned lands.
  4. The Jt. Collector failed to consider that the lower authority i.e. MRO, Anantapur has erred in not observing the principles of natural justice and also the rules under Act 1977.
2. Brief History of the case is as follows:-
3. The land in Sy.No. 24-1 extent of Acs.5.00 of Kakkalapalli village Anantapur was assigned to Sri K.Muthyalappa S/o Pedda Durgappa of Anantapur in DAR Dis.180/78, dt.8.5.1967 and PPB/TD bearing 72375

.....2

was also issued. Later Sri P.Sanjeevulu and Sri G. V.Anjaneyulu of Anantapur have represented, to the Tahsildar, Anantapur that the assignee is utilizing the land for commercial purpose by leasing out the same for quarrying. The Tahsildar, Anantapur has passed orders resuming the land to the Government vide procd No. 492/79. dt: 8.9.1979, for non fulfillment of the conditions of 2, 7 and 8 of the D form patta conditions.

4. Aggrieved by the above orders of the Tahsildar, Anantapur, Sri K. Muthyalappa, the assignee has filed an appeal before the RDO, Anantapur. The RDO has confirmed the resumption orders of the Tahsildar, Anantapur vide proceedings D. Dis No.442/79, dt.13.8.1981. Against these orders K.Muthyalappa has filed R.P., before the Commissioner of Land Revenue, Hyderabad. The CLR, Hyderabad in his procd No. CRPT139/83, dt:15.2.83, has remanded back the case to Collector for local enquiry after issuing due notices to the parties to verify the adangal extract filled in by the party with the originals and then take a decision. The Joint Collector, Anantapur has inspected the land in Sy.No. 24-1 of Kakkalapalli (V) as per the orders of the Spl.CS and CCLA, Hyderabad, and recommended that the original assignment and resumption orders issued by the Tahsildar be cancelled and the assignee Sri K. Muthyalappa be given patta separately for the extent of 2.70 acres in Sy.No. 24-1 of Kakkalapalli village with a condition that right to way for people and vehicles should be allowed to go and get back from the rock position.

5. In pursuance of the orders of Jt. Collector, Anantapur, the then Tahsildar, Anantapur has assigned the land in Sy.No. 24-1B to an extent of Acs.2.70 cts of Kakkalapalli (V) to Sri K.Muthyalappa S/o Pedda Durgappa in taluk DA R dis No. 78/93 dt: 29.10.1983. As seen from the order of the RDO, Anantapur in Procs No. D Dis. D2/677/2005, dt: 25.2.2006, it is reported that the Hon'ble High Court of A.P., in W.P.No. 21751/90 dt:5.12.1999 suspended the operation of the Procd No. 230/MC/87 dt:9.10.90 issued by the – Dy. Director Mines and Geology, Kadapa until further orders, pending W.P.No. 16918/90 on the file of High Court of A.P. in connection with the grant of quarry lease to Sri K.Muthyalappa in Sy.No. 24-1 extent 2.30 acres of Kakkalapalli (V) as the incorporation in relevant records regarding cancellation of D form patta of K.Muthyalappa and resumption orders of Tahsildar, Anantapur as per orders of the Jt. Collector, Anantapur in D.Dis.No.5598/83 (A4), dt: 29.6.1983 and subsequent fresh assignment of land to an extent of 2.70 acre in Sy.No.24-1 in favour of K.Muthyalappa were not carried out.

6. While so, the members of AIYF of Kakkalapalli colony gave a representation stating that the petitioner who was assigned the land in Sy.No. 24 converted the same in to plots and is selling at Rs.30,000/- per plot and requested to take necessary action. The MRO, Anantapur in Rc.No.348/2003 dt.14.3.2005, has resumed the land under provision of Act 9 of 1977, as it is not reasonably practicable to restore the land to the original assignee for agriculture purpose which was laid into house

plots willfully to defeat the purpose of assignment and the purchases are not eligible for restoration of the sites purchased U/s 35 of the Act, as all the transactions have taken place after the year 2000.

7. Aggrieved by the orders of MRO, Anantapur in prcds No. 348/2003, dt:14.3.2005 K.Muthyalappa i.e., the assignee has filed an appeal before the RDO, Anantapur. The RDO, Anantapur has dismissed the appeal petition and confirmed the orders of MRO, Anantapur passed in Proc Rc No. 348/2003(B), dt.14.3.2005.

8. Aggrieved by the orders of RDO, Anantapur Sri. Muthylappa has filed an appeal before the Jt.Collector, Anantapur. The Jt.Collector, Anantapur in Rc.No. E3/1433/2006, dt:30.8.2006, has dismissed the appeal filed by Sri. Muthyalappa and confirmed the resumption orders passed by the MRO, Anantapur.

9. Aggrieved by the orders of Jt. Collector, Anantapur K.Muthyalappa has filed a R.P., before the Government.

10. Later Sri. K.Muthyalappa has filed a W.P.20823/2006 before the Hon'ble High Court of A.P., Hyderabad against non passing of any orders on the R.P., filed on 13.9.2006.

11. The Hon'ble High Court in its order dated: 3.8.2010 has directed the Government to consider the revision filed by the petitioner assailing the order passed by the Joint Collector, and pass appropriate orders within a period of 4 weeks from the date of receipt of copy of the order.

12. Later the case was adjourn and finally posted the case on 16.11.2011., the Counsel for the petitioner while submitting the written arguments and while quoting the Judgment of Hon'ble High Court of A.P., in a similar case in W.P.No.8285/1989, Dt:20.08.1996, has argued that, the land should be restored to the original assignee instead of resuming the land to Government under provision of the Act 9 of 1977. That the land can be resumed to the Government when it is not reasonably practicable to restore the land to the original assignee. Finally he has requested to set aside the orders of the Joint Collector, Anantapur and to restore the land to the assignee.

#### **Findings:-**

1) The Joint Collector, who was directed to inspect the land and to submit a report about the status of the land, has reported that the land in Sy.No.24-1B extent Ac.2.70 of Kakkalapally village is more valuable and is abutting the Anantapur Municipal Corporation Limits, which is a waste land and its soil is rocky, it is not fit for cultivation. One room is constructed on the eastern side which is let out for pottery work. Two neem Trees are existing in the said field. In the North-Eastern corner 3 sheds with cement brick wall are existing, and some waste material is dumped inside. There are no traces of cultivation in the land since a long time. Moreover, it is not useful for cultivation and as the land is abutting the High Way and on the village boundary, it is useful for construction of Anganwadi Centre/School/Grampanchayath/ Water Tanks etc.,

2). It was observed that in the instant case, though the land was assigned in the year 1967, it was never brought under cultivation which is in violation of the conditions laid down in D-Form Patta. This apart the land was used for commercial purpose of mining initially for which it was resumed by Government vide D.Dis.No.442/97, dt:13.08.1981 and reassigned to the original assignee vide D.A.R.Dis.No.74/93, dt:27.10.1993 for an extent of Ac.2.70 only, therefore the land was already restored to the original assignee in the year 1983 as contended by the learned advocate for the petitioner.

13. The said scheduled land was again alienated to 3<sup>rd</sup> parties by the original assignee in the form of house sites for which show cause notice was issued by the Tahsildar in Form-I, dt:23.06.2004., and resumed the land. Therefore the question of restoring the land to the original assignee for a 2<sup>nd</sup> time does not arise.

14. In view of the aforesaid reasons the Revision Petition deserves no consideration and does not have any valid grounds to interfere with the orders passed by the Joint Collector, in proceedings Rc.No.E3/1433/2006, Dt:30.08.2006, and hence the Revision Petition is hereby dismissed, duly upholding the orders passed by the Joint Collector.

15. The Revision Petition is disposed of accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

**To.**

Sri.K.Mutyalappa.S/o. Pedda Durgappa. R/o.Anantapur, Village and Mandal., through his Counsel Y.Ashok Raj, D.No.5-9-22/44-f/3, Adarshnagar, Hyderabad.

The Joint Collector, Anantapur District.

The Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad,

The Collector, Anantapur District.

The Tahsildar, Anantapur District

The Government Pleader for Revenue (Assignments) A.P.H.C., Hyderabad.

//FORWARDED::BY ORDER//

SECTION OFFICER